Docket No. 1791.003

REMARKS

Claims 1-20 were presented at the time of filing and are currently pending in the application. The Restriction Requirement, dated March 27, 2003, alleges that the patent application contains two patentably distinct inventions, which are defined as follows:

GROUP I	Claims 1-15 and 20	Drawn to a safety device, classified in class 182, subclass 133
GROUP II	Claims 16-19	Drawn to a method of braking a bosun's chair, classified in class 182, subclass 142

As stated in the Office Action, the inventions can be distinct if the process for using the product as claimed can be practiced with another materially different product or if the product as claimed can be used in a materially different process of using that product. The Office Action alleges that the product as claimed could be used as a game support on a tree or as a hand climber.

Independent claims 1 and 20 recite a safety device for a bosun's chair which includes the device being attachable to a mast and the device being configured to brake a bosun's chair relative to the mast. A mast for a boat and a tree are not equivalent in all respects, particularly considering that a tree has branches which would block the movement of the present invention. Also, a bosun's chair is not likely amenable to holding game. Thus, it is unclear how the device could be used as a game support. Further, it is unclear what is meant by a hand climber.

"burden" is more than just the "search".

Additionally, in order for a restriction to be proper, a search of the claims together must be a severe burden on the Office (MPEP § 803). In this case, the process in claims 16-19 and the apparatus for its practice in claims 1-15 and 20 are intertwined such that the process cannot be practiced without the apparatus and the apparatus cannot be used to practice any other process. It

how/why?

fails to show:
(1) a coextensive search
(2) that a coextensive search is a reason for not requiring a restriction

Has failed to provide any reasoning or rationale to support the self-serving conclusion that there is no serious burden.

would necessarily follow that a search for prior art for both the process and apparatus would involve the same material. Moreover, even if the apparatus and method could be used separately, they are related as such and therefore are easily searchable together. Thus, the search and examination of claims 1-20 on the merits will not create a serious burden to the Office, and application respectfully requests that the Examiner withdraw the Restriction Requirement.

For prosecution in this application, Applicant hereby elects the invention of Group I, with traverse. This action is without prejudice to Applicant's right to pursue the subject matter of the non-elected claims in related applications.

Should any questions arise in connection with this Application, Applicant's Attorney can be reached at the below-listed telephone number.

Respectfully submitted,

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